IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1928 OF 2005

Malikarjun Shivingappa Khichade. ...Petitioner.
Versus
Commissioner, Sangli, Miraj and Kupwad
City Municipal Corporation. ...Respondents.
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Mr. Kuldeep S. Patil for the Petitioner.
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CORAM : DR. D.Y. CHANDRACHUD, J.

August 30, 2005.

P.C.:

The Petitioner was appointed as an apprentice with the Municipal Council (as it then existed) in pursuance of an application seeking an appointment as an apprentice from 21st February 1994 to 21st February 1995. The order of appointment was as a trainee apprentice. A letter issued by the District Vocational Education and Training Officer showed that the appointment was as an apprentice. The Petitioner was accordingly assigned an Apprenticeship Contract Registration Card and a registration number came to be given by the Board of Apprenticeship Training, Western Region on 17th October 1994. All

these documents were produced on the record of the Labour Court. In these circumstances, the Court was, on the basis of the documentary evidence, amply justified in coming to the conclusion that upon the expiry of his one year term, the Petitioner had no vested right to continue. Even if for the purposes of argument, the Petitioner is regarded as a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 and, therefore, an employee within the meaning of Section 2(9) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, the provisions of Section 2(oo)(bb) would clearly govern the situation and the termination of his service as a result of a non renewal of the contract of employment on the expiry thereof would not constitute an act of retrenchment. Be that as it may, the finding that the Petitioner was an apprentice and that upon completion of the term, he had no vested right to continue, is based on the evidence on record and does not warrant interference under Article 227 of the Constitution. The petition is accordingly dismissed.

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